

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
ZONEPERFECT NUTRITION)	
COMPANY,)	
Plaintiff and Counterclaim Defendant)	
)	
v.)	CIVIL ACTION NO: 04-10760 RGS
)	
HERSHEY FOODS CORPORATION,)	
HERSHEY CHOCOLATE &)	
CONFECTIONERY CORPORATION,)	
DR. BARRY D. SEARS, and)	
ZONE LABS, INC.,)	
Defendants and Counterclaim Plaintiffs)	
_____)	

**STIPULATION OF DISMISSAL WITH PREJUDICE
AS BETWEEN PLAINTIFF AND THE SEARS DEFENDANTS**

Plaintiff and Counterclaim Defendant ZonePerfect Nutrition Company ("ZonePerfect") and Defendants and Counterclaim Plaintiffs Barry D. Sears and Zone Labs, Inc. (together, "the Sears Defendants"), by their undersigned counsel, hereby stipulate that all claims and counterclaims in this matter, including ZonePerfect's Amended Complaint and all Counterclaims asserted by the Sears Defendants shall be, and hereby are, dismissed with prejudice, each party to bear its own costs and attorneys' fees and with all rights of appeal waived.

Respectfully submitted

ZONEPERFECT NUTRITION
COMPANY,

BARRY D. SEARS
and ZONE LABS, INC.

By their attorneys,

By their attorneys,

/s/ Joshua M. Dalton

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